



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C. 20460

JUN 24 2016

OFFICE OF
GENERAL COUNSEL

Mr. Adam S. Carlesco
Hall & Associates
1620 I Street, N.W.
7th Floor
Washington, DC 20006

RE: Freedom of Information Act Appeal No. EPA-HQ-2016-006802 (Request No. EPA-HQ-2016-004090)

Dear Mr. Carlesco:

I am responding to your May 18, 2016 Freedom of Information Act ("FOIA") appeal. You appealed the May 16, 2016 decision of the U.S. Environmental Protection Agency ("EPA" or "Agency") to charge you \$528 for fees and costs associated with responding to your FOIA request, dated February 23, 2016. Your FOIA request sought the following records:

- Emails to and from EPA HQ to any party concerning the accuracy of EPA statements made at the November 13, 2013 annual EPA Region VII 4-States Governmental Affairs Meeting.
- Meeting summary documents received by EPA (draft and final) and any comments submitted by EPA HQ to address the accuracy of statements made at the 4-States meeting.
- Any internal agency documents discussing the accuracy of the reported statements attributed to EPA.

By letter dated March 28, 2016, EPA provided you with an estimate of the aggregate cost of \$528 for responding to your FOIA request. Pursuant to 40 CFR § 2.107(e), EPA requested a written assurance of payment, and you assured payment on March 29, 2016. EPA provided a final response to your FOIA request on May 16, 2016, which included a bill of \$528. You appealed the Agency's final assessment of your fees.

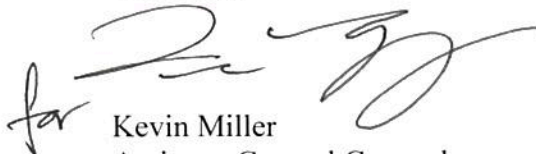
I have reviewed the February 23, 2016 FOIA request, EPA's May 16, 2016 decision, and your May 18, 2016 appeal. For the reasons set forth below, I have determined your appeal should be granted in part.

As a commercial requester, you are charged for the time spent searching for the records, reviewing the records for possible disclosure, and for the cost of each page of duplication. 40 C.F.R. § 2.107(c)(i). You were not charged the correct amount. I have determined that the total fees charged for the search and review of the documents should be 3.25 hours (two hours for search; 1.25 hours for review) of staffs' time (\$91) and 1.25 hours (0.5 hour for search; 0.75 hour for review) of managers' time (\$51.25). The search and review time includes time for multiple people. The total costs for processing your FOIA request therefore should have been **\$142.25**. I have informed the program office to revise your bill for this FOIA request.

This letter constitutes EPA's final determination on your appeal. In accordance with 5 U.S.C. § 552(a)(4)(B), you have the right to seek judicial review of this determination by instituting an action in the district court of the United States in the district in which you reside, or have your principle place of business, or in which the Agency records are situated, or in the District of Columbia. As part of the 2007 FOIA amendments, the Office of Government Information Services (OGIS) within the National Archives and Records Administration was created to offer mediation services to resolve disputes between FOIA requesters and Federal agencies as a non-exclusive alternative to litigation. You may contact OGIS in any of the following ways: by mail, Office of Government Information Services, National Archives and Records Administration, Room 2510, 8610 Adelphi Road, College Park, MD, 20740-6001; e-mail, ogis@nara.gov; telephone, 301-837-1996 or 1-877-684-6448; and facsimile, 301-837-0348.

Please call Quoc Nguyen at (202) 564-6343 if you have any questions concerning this matter.

Sincerely,


Kevin Miller
Assistant General Counsel
General Law Office

Cc: Kevin Weiss